REMARKS/ARGUMENTS

Claims 1-17 and 19-25 are pending in the application, all of which stand rejected. Claim 18 was previously canceled.

1. Rejection of Claims 1-17, 19 and 21-25 Under 35 USC 102(b)

Claims 1-17, 19 and 21-25 stand rejected under 35 USC 102(b) as being anticipated by Sharon et al. (US 6,137,782; hereinafter "Sharon").

Claim 1 recites:

> 1.   An apparatus comprising:
>   a plurality of libraries of software modules maintained at a plurality of test locations, respectively, of a network; and
>   a computer configured to i) display a graphical end user interface (GUI) via which an end user constructs a graphical model of a coordinated multi-location test of the network, the graphical model including flows respectively corresponding to the test locations, a respective flow for a corresponding test location being a flow of software modules from the library maintained at the corresponding test location, and ii) output the flows to at least one of the test locations.

In rejecting claim 1, the Examiner asserts that Sharon's agents 14 are equivalent to "libraries of software modules maintained at a plurality of test locations, respectively, of a network". The Examiner refers applicant to Sharon's col. 5, line 63 - col. 6, line 18, and col. 5, lines 18-25. *See*, 6/17/2008 Final Office Action, p. 2, sec. 7. Applicant respectfully disagrees.

Sharon variously teaches that:

> CME 12 receives information from a plurality of agents 14, which are described herein as software modules operated by other computers in the network.

> Col. 5, lines 63-65;

. . .Preferably agents 14 are distributed through the network in order to provide the most detailed and accurate traffic topology map of the network.

Col. 6, lines 4-6; and

. . .Optionally and preferably, agent 14 is a software module which is operated by any type of end node device.

Col. 6, lines 44-45.

From the above excerpts, applicant believes it clear that Sharon teaches a plurality of agents 14 that are distributed amongst the different computers of a network. However, there is no indication that one test location (or one computer) hosts multiple ones of the agents 14. Nor is there an indication that any of the agents 14 is or maintains "**libraries** of software modules".

Also with respect to claim 1, the Examiner asserts that Sharon teaches a GUI "via which an end user constructs a graphical model of a coordinated multi-location test of the network" in FIG. 7; FIGS. 8A-B; col. 11, lines 51-67 and col. 12, lines 1-11. *See*, 6/17/2008 Final Office Action, p. 3, sec. 7. Again, applicant respectfully disagrees.

The GUI 28 taught by Sharon in FIGS. 7, 8A & 8B enables the display of a "physical topology map 82" (FIG. 8A) and a "traffic topology map 84" (FIG. 8B). Although Sharon's col. 11, line 51 - col. 12, line 11, teaches that a user may navigate from one map to the other, or "node hop" on the physical topology map to get information for particular network elements, Sharon is entirely silent on any ability to construct "a graphical model of a coordinated multi-location test of [a] network" - particularly one "including flows respectively corresponding to the test locations, a respective flow for a corresponding test location being a flow of software modules from the library maintained at the corresponding test location". Although the Examiner further refers applicant to Sharon's col. 3, lines 27-52, where Sharon indicates that the physical topology map may be used "to guide the installation and deployment of agents throughout the network", Sharon does not indicate if or how this is done via the GUI shown in FIGS. 7, 8A & 8B. Furthermore, applicant does not believe that 1) "installation

and deployment" of agents is equivalent to 2) outputting to a test location "a flow of software modules from the library maintained at the corresponding test location".

Applicant also notes, with respect to claim 1, that Sharon does not teach a coordinated multi-location test where a computer outputs "***flows of software modules***" to one or more test locations. Rather Sharon appears to teach the control of agents 14 by CME 12 via a series of commands. For example, Sharon teaches that, "Overall control of agent 14 is preferably performed by a communication service module 44, which listens for commands from CME 12.. . .Communication service module 44 receives each such command and parses the command in a suitable format for agent 14." *See*, e.g., col. 7, lines 42-53.

Claim 1 is believed to be allowable for at least the above reasons.

Claim 2 is believed to be allowable, at least, because it depends from claim 1.

Claims 3-17, 19 and 21-25 are believed to be allowable, at least, for reasons similar to why claim 1 is believed to be allowable.

2. Rejection of Claim 20 Under 35 USC 103(a)

Claim 20 stands rejected under 35 USC 103(a) as being unpatentable over Sharon et al. (US 6,137,782; hereinafter "Sharon") in view of Chang et al. (US 2004/0158630 A1; hereinafter "Chang").

Claim 20 is believed to be allowable, at least, for reasons similar to why claim 1 is believed to be allowable, and because the teachings of Chang do not cure the deficiencies in the teachings of Sharon (which deficiencies are noted in Section 1 of these Remarks/Arguments).

3. Conclusion

In light of the above Amendments and Remarks/Arguments, applicant respectfully requests the issuance of a Notice of Allowance.

Respectfully submitted,
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